

Remarks:

Claims 1, 4-9, 23-39 and 49 were pending in the subject application. Claims 2-3, 10-22, 40-48 and 50-65 were previously canceled. Applicants have hereinabove amended claims 1, 29, 33 and 36, and further canceled claims 4-9 and 37-39 without prejudice. Upon entry of the present Amendment, claims 1, 23-36 and 49 will be pending.

Applicants hereby affirm the election, with traverse, of the claims of Group I, and the provisional election of the invention of Formula I (A-L-B) wherein A is a monomer of TKPPR or analog thereof, B is a linker, and B is a phospholipid.

In the March 25, 2004 Office Action, the Examiner rejected claims 1, 4-9, 23-39 and 49 under 35 U.S.C. 102(b) as allegedly anticipated by Pollak. (The Examiner cited U.S. Patent 9,638,185, which is not the number of any U.S. Patent. In a telephone conference on June 8, 2004, the Examiner indicated that this must have been a typographical error and that U.S. Patent 5,789,555 was the intended citation for Pollak.)

Pollak teaches compositions and methods for making metal-labeled imaging agents. The compositions disclosed in Pollak comprise substrates that function as solid supports for the synthesis of the metal-labeled imaging agent. The substrates have linkers that temporarily bind a ligand-targeting molecule conjugate to the support while it is reacted with the metal. The ligand incorporates a metal coordinating atom. When the ligand is reacted with a metal, the formation of a bond with the metal is accompanied by the breaking of a bond holding the ligand to the linker on the support, thereby releasing the metal-labeled ligand from the support. The metal-labeled ligands disclosed are useful as radiolabeled imaging agents.

Applicants' claimed invention is directed to compounds comprising a TKPPR monomer linked to a phospholipid, and ultrasound imaging agents comprising these compounds, as well as a method for using the agents for ultrasound imaging. Pollak does not disclose applicants' claimed invention. While Pollak mentions TKPPR as a potential targeting molecule for radiodiagnostic agents, there is no mention whatsoever in Pollak of a TKPPR monomer linked to a phospholipid, which is useful in an ultrasound imaging agent in accordance with applicants' disclosure. Furthermore, there is no disclosure in Pollak of ultrasound imaging agents of any kind whatsoever. On the contrary Pollak is strictly concerned with metal-labeled radiodiagnostic agents. Thus, Pollak does not anticipate applicants' claimed invention. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw the rejection of the claims under 35 U.S.C. 102(b).

The Examiner rejected claims 1, 4-9, 23-39 and 49 under 35 U.S.C. 103(a) as allegedly unpatentable over Pollak (U.S. Patent 5,789,555). The Examiner stated that while Pollak does not expressly teach phospholipids as a substrate, it would have been obvious to use phospholipids because they are included in the substrates that are "insoluble and inert in labeling solutions and can be functionalized with a linking group" as taught by Pollak.

As discussed above, the entire disclosure of Pollak is directed to substrates and linkers used to make metal-labeled radiodiagnostic agents. There is simply no teaching or suggestion of a TKPPR monomer linked to a phospholipid, useful in an ultrasound imaging agent. Pollak provides no suggestion whatsoever to use a phospholipid substrate. Furthermore, the Examiner has provided no evidence that a phospholipid substrate could be used in the compositions described by Pollak. In any event, even if one could use a phospholipid as a substrate in the compositions described by Pollak, the resulting composition would not be applicants' claimed

compounds useful as ultrasound imaging agents. Instead, the result would be a phospholipid support used to temporarily hold a ligand while it is labeled with a metal. Thus, applicants' claimed invention is not obvious over Pollak. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw the rejection of the claims under 35 U.S.C. 103(a).

The Examiner rejected the claims under 35 U.S.C. 103(a) as allegedly unpatentable over Pollak (U.S. Patent 5,789,555) in view of Barbera-Guillem (U.S. Patent 6,252,664).

As discussed above, Pollak contains no teaching or suggestion of applicants' claimed compositions and ultrasound imaging agents comprising a TKPPR monomer linked to a phospholipid. There is no motivation to combine the teachings of Pollack and Barbera-Guillem. Neither of the references suggests making such a combination, and the Examiner has not cited any other motivation to combine the teachings of the references. However, even if the references are considered together, Barbera-Guillem does not supplement Pollak with any teaching or suggestion of applicants' claimed invention. Barbera-Guillem describes a device for use in fluorescence imaging, completely unrelated to compositions and ultrasound imaging agents comprising a TKPPR monomer linked to a phospholipid. Phospholipids are simply mentioned among numerous biological substances, characterized as substrates, that may be subjected to fluorescence analysis. Thus, the combination of Pollak and Barbera-Guillem does not teach or suggest applicants' claimed invention. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw the rejection of the claims under 35 U.S.C. 103(a) over Pollak in view of Barbera-Guillem.

In view of the preceding amendments and remarks, applicants maintain that the claims now pending clearly and patentably define their invention. Accordingly, applicants respectfully

request that the Examiner reconsider and withdraw the grounds for rejection set forth in the March 25, 2004 Office Action, and issue a Notice of Allowance.

No fee(s) are believed to be due in connection with the filing of this Response. However, the Commissioner is hereby authorized to charge such fee(s) or credit any overpayment in connection with this Response to Deposit Account No. 50-0540.

If a telephone interview would advance prosecution of the subject application, the Examiner is invited to contact the undersigned attorney at the number provided.

Respectfully submitted,

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